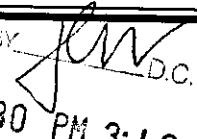


United States District Court

WESTERN DISTRICT OF TENNESSEE

Eastern Division

FILED BY  D.C.
05 DEC 30 PM 3:42

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TN, JACKSON

UNITED STATES OF AMERICA

JUDGMENT IN A CIVIL CASE

v.

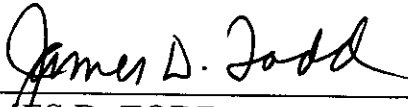
JACK RAY AUSTIN

CASE NUMBER: 05-1218-T/An

Decision by Court. This action came to consideration before the Court. The issues have been considered and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that in compliance with the order entered in the above-styled matter on 12/28/05, the defendant's motion under 28 U.S.C. § 2255 is DENIED and this case is hereby DISMISSED. The motion for recusal is DENIED. A certificate of appealability is DENIED. It is further CERTIFIED that, pursuant to Fed. R. App. P. 24(a), any appeal is not taken in good faith and the defendant may not proceed on appeal *in forma pauperis*. If the defendant wishes to file a notice of appeal he must pay the full \$255 appellate filing fee or file a motion to proceed *in forma pauperis* and supporting affidavit in the Sixth Circuit Court of Appeals within 30 days.

APPROVED:



JAMES D. TODD
UNITED STATES DISTRICT JUDGE

THOMAS M. GOULD
CLERK

12-30-05

DATE

BY:



DEPUTY CLERK

This document entered on the docket sheet in compliance
with Rule 58 and/or 79(a) FRCP on 12-30-05.



Notice of Distribution

This notice confirms a copy of the document docketed as number 8 in case 1:05-CV-01218 was distributed by fax, mail, or direct printing on December 30, 2005 to the parties listed.

Jack Ray Austin
18077-076
PO Box 34550
Memphis, TN 38184--055

Honorable James Todd
US DISTRICT COURT